

# **D R A F T**

## **STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2020-**

### **AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ENTER INTO AND AMEND INTERAGENCY AGREEMENTS AND CONTRACTS FOR MANDATED SCIENTIFIC PEER REVIEW AND OTHER EXPERT REVIEW**

#### **WHEREAS:**

1. Health and Safety Code section 57004 sets minimum requirements for external scientific peer review. Notably, section 57004 requires California Environmental Protection Agency (CalEPA) boards, departments, and office to submit for external scientific peer review the “scientific basis” and “scientific portions” of proposed rules, consistent with the statutory definition of these two terms.
2. For rules subject to this requirement, the scientific findings, conclusions, and assumptions on which the scientific portions of the proposed rule are based and the supporting scientific data, studies, and other appropriate materials, must be submitted for peer review.
3. The law further specifies that CalEPA, or a board, department, or office within CalEPA, must enter into an agreement with the National Academy of Sciences, the University of California, the California State University, or any similar scientific institution of higher learning to conduct external scientific peer review of the scientific basis for any rule proposed for adoption by any board, department, or office within CalEPA.
4. In addition to the work products for which external scientific peer review is statutorily required, CalEPA or its boards, departments, or office may seek peer review of the scientific or economic basis and scientific or economic portions of other work products—for example, major or controversial new initiatives that are not otherwise subject to statutory peer review requirements—as they deem prudent.
5. CalEPA and its boards, departments, and office previously contracted for mandated external expert peer review services and other peer review services with the Regents of the University of California, Berkeley. The State Water Resources Control Board (State Water Board) manages the contract and an External Scientific Peer Review Program for CalEPA and its boards, departments, and office.
6. CalEPA and its boards, departments, and office, including the State Water Board, are preparing to enter into a five-year contract with the National Academy of Sciences, the University of California, the California State University, or any similar scientific institution of higher learning to ensure that mandated scientific peer review and other types of reviews will be performed by qualified reviewers in a manner consistent with state law.

# **D R A F T**

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Authorizes the Executive Director, Chief Deputy Director, or the Deputy Director of the Division of Administrative Services to execute peer review service contracts and amendments, and to perform all acts and to do all things necessary and convenient to implement such peer review service contracts and amendments, for contract terms not to exceed five years and amounts not to exceed \$1,500,000.
2. Directs the Executive Director, Chief Deputy Director, or Deputy Director of the Division of Administrative Services, in exercising the authority vested in them by this resolution, without restricting the authority specified, to bring to the attention of the Board Members by appropriate communication any contracts that are of a unique, controversial, or unusual nature or that appear to depart from the policies of the State Water Board.
3. Except as otherwise specifically provided by the State Water Board, duly authorizes the Executive Director, or the Executive Director's designee, to represent the State Water Board for the purpose of making a final determination of any dispute arising under or relating to the performance of any peer review service contracts to which the State Water Board is a party.

## **CERTIFICATION**

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 19, 2020.

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Jeanine Townsend  
Clerk to the Board